

Special Civil Application No 1786 of 1988

Date of decision: 01/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE A.N.DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

HARSUR RANA

vs

STATE OF GUJARAT

Appearance:

Shri J.R. Nanavaty, Advocate, for the Petitioners

Shri D.N. Patel, Asst. Govt. Pleader, for the Respondent

Coram : MR.JUSTICE A.N.DIVECHA

#### ORAL JUDGEMENT

The order passed by and on behalf of the State of Gujarat (the respondent herein) on 19th November 1982 rejecting the petitioners' application for exemption under sec. 20(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (the Act for brief) with respect to one parcel of land bearing survey No. 518/3 admeasuring 11 acres 04 gunthas situated in Rajkot is under challenge in this petition under art. 227 of the Constitution of India.

2. It is not necessary to set out in detail the facts giving rise to this petition. It may be sufficient to note that the petitioner made an application for exemption under sec.

20(1) of the Act. Its copy is at Annexure A to this petition. It came to be rejected by and on behalf of the respondent by the order passed on 19th November 1982. Its copy is at Annexure B to this petition. The aggrieved petitioner has thereupon approached this Court by means of this petition under art. 227 of the Constitution of India for questioning its correctness.

3. It is not necessary to examine the merits of this case for the simple reason that the impugned order at Annexure B to this petition came to be passed as early as on 19th November 1982 and this petition questioning its correctness was preferred as late as on 24th March 1988 nearly 6 years after the date of the order. Such inordinate delay on the part of the petitioners has not come to be explained in the petition. In that view of the matter, the preliminary objection against its maintainability raised by and on behalf of the respondent deserves to be sustained. This petition deserves to be rejected on the ground of inordinate delay and laches on the part of the petitioners.

4. In the result, this petition fails. It is hereby rejected. Rule is accordingly discharged with no order as to costs.

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